



CITY OF NEWTON, MASSACHUSETTS

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Setti D. Warren
Mayor

ZONING BOARD OF APPEALS

Sherri A. Lougee, Board Secretary

NOTICE OF DECISION

A Public Hearing has been held with regard to the following petitions before the City of Newton Zoning Board of Appeals. The decisions were determined as follows:

- #4-10** from Arkady Degtiarov and Irina Deresh, 20 Shute Path, Newton, MA, appealing the Commissioner of Inspectional Services' Notice of Zoning Violation that there is an illegal dog kennel in a residential district and a violation of conditions for a home business in a residential district. The property is located in a Single Residence 3 District. **The petitioners' appeal of the decision of the Commissioner of Inspectional Services was denied, 5-0. Therefore, the Board upheld the determination of the Commissioner of the Inspectional Services.**
- #5-10** from James M. DiLiello and the Estate of Richard G. DiLiello, 83-85 Allison Street, Newton, MA, appealing the decision of the Commissioner of the Inspectional Services Department that Lot 12 Allison Street is not a buildable lot. The property is located in a Multi Residence 2 District. **The petitioners' appeal of the decision of the Commissioner of Inspectional Services was denied, 4-1. Therefore, the Board upheld the determination of the Commissioner of the Inspectional Services.**
- #6-10** from James M. DiLiello and the Estate of Richard G. DiLiello, 83-85 Allison Street, Newton, MA, requesting the following variances in order to create Lot 12 as a separate building lot: (i) an 18 foot variance from the frontage requirements of the Newton Revised Zoning Ordinances, Section 30-15, Table One, resulting in frontage of 62 feet. **(Required frontage for new lots created after December 7, 1953 is 80 feet.);** (ii) a variance of 818 square feet from the lot area requirements of the Newton Revised Zoning Ordinances, Section 30-15, Table One, resulting in lot area of 9,182 square feet. **(Required minimum lot area for new lots created after December 7, 1953 is 10,000 square feet.);** and (iii) a 409 square foot variance from the lot area per unit requirement of the Newton Revised Zoning Ordinances, Section 30-15, Table One, resulting in lot area per unit of 4,591 square feet. **(Required lot area per dwelling for new lots created after December 7, 1953 is 5,000 square feet.)** As to Lot 13, petitioners request the following variances in order to create Lot 13 as a separate building lot: (i) an 18 foot variance from the frontage requirements of the Newton Revised Zoning Ordinances, Section 30-15, Table One, resulting in frontage of 62 feet. **(Required frontage for new lots created after December 7, 1953 is 80 feet.);** (ii) a variance of 971 square feet from the lot area requirements of the Newton Revised Zoning Ordinances, Section 30-15, Table One, resulting in lot area of 9,029 square feet. **(Required minimum lot area for new lots created after December 7, 1953 is 10,000 square feet.);** and (iii) a 486 square foot variance from the lot area per unit requirement of the Newton Revised Zoning Ordinances, Section 30-15, Table One, resulting in lot area per unit of 4,514 square feet. **(Required lot area per dwelling for**

new lots created after December 7, 1953 is 5,000 square feet.) The property is located in a Multi Residence 2 district. **The petitioners' request for a variance from the frontage and lot area requirement for Lot 12 was granted, subject to conditions, but not the requested variance of lot area per unit; and all requested variances for Lot 13 were granted, subject to conditions, 5-0.**

#7-10 from Veneranda Santonastaso, 148 Chapel Street, Newton, MA, requesting a 3.9 foot variance from the accessory structure maximum building height requirement of the Newton Revised Zoning Ordinances, Section 30-15, Table One, in order to legalize a detached two car garage with storage space above the first story, resulting in a one and one-half story garage with a height of 21.9 feet. **(Maximum allowable building height of an accessory structure for old lots created before December 7, 1953 is 18 feet.)** The property is located in a Multi Residence 1 District. **The petitioners' request for a variance from the maximum allowable building height was denied, 5-0.**

#8-10 from Ralph S. Robart, 28 Richardson Road, Newton, MA, appealing the Commissioner of the Inspectional Services Department's denial of a building permit at 32 Williams Street, Newton, for the construction of a two-family dwelling. The property is located in a Multi Residence 1 District. **The petitioners' appeal of the decision of the Commissioner of Inspectional Services was denied, 2-3. As a vote of four is necessary to overturn the Commissioner's decision, the decision of the Commissioner to deny the building permit is upheld.**

Any appeal of the above decision must be made to the Superior Court within twenty (20) days of its filing with the City Clerk in accordance with Section 17 of the Massachusetts General Law, Chapter 40A.

Decision numbers 4-10, 5-10 and 7-10 were filed on August 15, 2010. Decision numbers 6-10 and 8-10 were filed on August 18, 2010.